

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) Case No. 23 CR 00028
)
v.)
)
JEFF McGRAW,) Chicago, Illinois
) September 23, 2024
Defendant.) 10:32 a.m.

TRANSCRIPT OF PROCEEDINGS - CHANGE OF PLEA HEARING

BEFORE THE HONORABLE EDMOND E. CHANG

APPEARANCES:

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PROCEEDINGS REPORTED BY STENOTYPE
TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION

1 (Proceedings heard in open court:)

2 THE CLERK: 233 CR 28, USA versus Jeff McGraw.

3 THE COURT: All right. You can just stay at counsel
4 table and talk right into the mikes. And we'll get
5 appearances.

6 MR. ARCE: Good morning, your Honor. Jimmy Arce,
7 A-r-c-e, on behalf of the United States stepping in for Brandon
8 Stone.

9 MS. DOLGOSHEEVA: Good morning, your Honor. Yelena
10 Dolgosheeva on behalf of Mr. McGraw. And Mr. McGraw is present
11 to my left.

12 THE COURT: Okay. Good morning.

13 Good morning, Mr. McGraw.

14 THE DEFENDANT: Good morning.

15 THE COURT: All right. We are here for a change of
16 plea. Are both sides ready to proceed? First, for the
17 government.

18 MR. ARCE: Yes, your Honor.

19 THE COURT: And the defense?

20 MS. DOLGOSHEEVA: Yes, your Honor.

21 THE COURT: Okay. And then before we get started, let
22 me just make sure, not for purposes of criminal Rule 11 plea
23 negotiations, but to just ensure assistance of counsel, this is
24 a plea declaration, Ms. Dolgosheeva, correct?

25 MS. DOLGOSHEEVA: Yes, your Honor.

1 THE COURT: And so that means that any of the pretrial
2 motions that have been filed to date would not be preserved for
3 appeal. And so Mr. McGraw understands that?

4 THE DEFENDANT: Yes.

5 MS. DOLGOSHEEVA: Yes, your Honor. We have discussed
6 that and we have --

7 THE COURT: All right. We'll talk further,
8 Mr. McGraw. I just wanted to make sure defense counsel is
9 already on board as well.

10 All right. So, Mr. McGraw, I understand it's your
11 intention to change your plea today to the sole count of the
12 indictment from not guilty to guilty. And I do need to, during
13 this hearing, make sure of a number of things, though. First,
14 I need to make sure that you're mentally competent to plead
15 guilty, and that means that you're not suffering from some kind
16 of mental illness that would prevent you from understanding
17 what you're doing here today.

18 I need to ensure that you've had the assistance of
19 counsel; that you understand the charge to which you propose to
20 plead guilty; you understand what the maximum penalties are for
21 this kind of charge; that you know all the rights you'll be
22 giving up by pleading guilty. The plea does have to be
23 voluntary, meaning no one is threatening you or forcing you to
24 plead guilty, but we also need to check on a factual basis for
25 the plea. So we'll do these things one by one during today's

1 hearing.

2 If at any point you want to stop and speak with your
3 lawyer in private, just get her attention or get my attention,
4 and we'll take a timeout. All right. So do you understand you
5 can ask us to pause at any time during the hearing?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Now, you're going to be making
8 more statements, and because you're not a lawyer, you do have
9 be put under an oath to tell the truth.

10 I'll ask the courtroom deputy to do that now.

11 THE CLERK: Would you please raise your right hand.

12 (Defendant sworn.)

13 THE DEFENDANT: Yes.

14 THE CLERK: Thank you.

15 THE COURT: Okay. Mr. McGraw, you are now under an
16 oath to tell the truth, and that means that if you were to make
17 a false statement during today's hearing, you could be
18 prosecuted separately for the crime of false statement or for
19 the crime of perjury. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Now, we talked about taking a timeout to
22 talk to your attorney if you have any questions that come up,
23 but also you can just stop this hearing at any time. And if
24 you've changed your mind and you want a trial instead, then
25 we'll get a jury trial ready for you.

1 So you understand that not only can you pause to talk
2 with your attorney, you can stop this hearing at any time?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You also have a right against
5 self-incrimination. That means that you have the absolute
6 right to not say anything that tends to show you're guilty of
7 this charge but, of course, in a change of plea hearing, you
8 will be making statements that tend to show you are guilty.
9 And pleading guilty is the ultimate act of incriminating
10 yourself.

11 So do you understand you have that right and that by
12 going through with today's hearing, you'll be giving up that
13 right?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. In terms of mental competency, I'm
16 just going to ask you some background questions to see if you
17 understand what I'm saying, and I'll also ask about your mental
18 health history, if any.

19 So go ahead, Mr. McGraw, and state your full name
20 including your middle name if you have one.

21 THE DEFENDANT: Jeff Ahrmon McGraw.

22 THE COURT: Can you spell your middle name? And
23 actually, also pull the mike closer and speak right into it.

24 THE DEFENDANT: Jeff Ahrmon McGraw. My middle name,
25 A-h-r-m-o-n.

1 THE COURT: How old are you?

2 THE DEFENDANT: I'm 30.

3 THE COURT: Are you married?

4 THE DEFENDANT: No.

5 THE COURT: Do you have any children?

6 THE DEFENDANT: Yes.

7 THE COURT: How many?

8 THE DEFENDANT: Three.

9 THE COURT: How old are they?

10 THE DEFENDANT: 12 -- no, 13, 11, and 9.

11 THE COURT: How far did you get in school?

12 THE DEFENDANT: I got my GED.

13 THE COURT: And before you were arrested in this case,
14 what was the last job you held down?

15 THE DEFENDANT: I'm an entertainer.

16 THE COURT: Okay. An entertainer?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Were you doing that full-time?

19 THE DEFENDANT: Yes.

20 THE COURT: And in terms of your physical health
21 first, your physical health, are you under the care of a doctor
22 for any ongoing physical condition?

23 THE DEFENDANT: No.

24 THE COURT: Are you suffering from any ongoing
25 physical condition?

1 THE DEFENDANT: Yes.

2 THE COURT: What is it?

3 THE DEFENDANT: My leg, I broke my leg. I got to do
4 physical therapy because I got a rod and pins in my leg.

5 THE COURT: Okay. And in terms of physical therapy,
6 are you doing any now that you're in custody or not?

7 THE DEFENDANT: Yes, but they stopped me because they
8 said the U.S. marshals only approved me for ten visits.

9 THE COURT: Okay. You had ten visits for physical
10 therapy, but now they've stopped?

11 THE DEFENDANT: Yes.

12 THE COURT: And are you taking any medication in
13 connection with this physical therapy or pain management, for
14 example?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. What kind of medication?

17 THE DEFENDANT: I'm taking nerve medication,
18 gabapentin.

19 THE COURT: Say it one more time.

20 THE DEFENDANT: It's a nerve medication called
21 gabapentin.

22 THE COURT: And how long have you been taking that,
23 approximately?

24 THE DEFENDANT: 14 months.

25 THE COURT: So during that 14-month time period while

1 you've been taking this medication, has it ever made it harder
2 for you to think or understand things?

3 THE DEFENDANT: No.

4 THE COURT: Any other medication?

5 THE DEFENDANT: Yes.

6 THE COURT: What else?

7 THE DEFENDANT: I take psyche medications.

8 THE COURT: And so let's -- before we get to your
9 mental health history, any other medications for any physical
10 condition?

11 THE DEFENDANT: Blood pressure pills.

12 THE COURT: And how long have you been taking the
13 blood pressure pills?

14 THE DEFENDANT: Seven years.

15 THE COURT: And so same question here: During the
16 time that you've been taking these blood pressure pills, has
17 that ever made it harder for you to think or understand things?

18 THE DEFENDANT: No, sir.

19 THE COURT: Any other medication for physical
20 problems?

21 THE DEFENDANT: No, sir.

22 THE COURT: Now, in terms of your mental health
23 history, have you been diagnosed or treated or suffered from a
24 mental illness?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: What is it?

2 THE DEFENDANT: PTSD, anxiety, depression, and OCD.

3 THE COURT: So for these four conditions, are you
4 taking medication right now?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. And what are you taking?

7 THE DEFENDANT: I take Wellbutrin, clonidine, and
8 prazosin.

9 THE COURT: And have you been taking all three
10 medications during your detention?

11 THE DEFENDANT: Yes.

12 THE COURT: And so in that period of time when you've
13 been taking those three pieces of medication, has taking those
14 medications made it harder for you to think or understand
15 things?

16 THE DEFENDANT: No, sir.

17 THE COURT: So for example, while you've been taking
18 this medication and suffering from these four conditions, when
19 you've talked to your lawyer about the case, have you been able
20 to understand what she's saying?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you been able to put questions
23 together to ask her if you have questions?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And so anything else that you're

1 taking in terms of medications other than those three meds that
2 you just mentioned?

3 THE DEFENDANT: No, sir.

4 THE COURT: Okay. Ms. Dolgosheeva, what's your
5 opinion as to Mr. McGraw's competency to plead guilty?

6 MS. DOLGOSHEEVA: Your Honor, I believe he's
7 absolutely competent.

8 THE COURT: Okay. And let me also just make sure,
9 Mr. McGraw, I understand you're in detention but I do need to
10 still ask, are you under the influence of alcohol right now?

11 THE DEFENDANT: No, sir.

12 THE COURT: Okay. Or any other controlled substance
13 other than all of those medications that you've mentioned for
14 your physical and mental problems?

15 THE DEFENDANT: No, sir.

16 THE COURT: Okay. All right. Mr. Arce?

17 MR. ARCE: Judge, based on this allocution here today,
18 I have no reasons to doubt Mr. McGraw's competency.

19 THE COURT: All right. And Mr. Stone did not relate
20 to you any concerns either?

21 MR. ARCE: He did not, your Honor.

22 THE COURT: Okay. I do find Mr. McGraw competent to
23 enter a plea of guilty. He's clearly understood all the
24 questions I've asked him. He does suffer from some mental
25 conditions, but he's been taking medications for those and,

1 just as importantly, has been able to understand and think
2 through ideas about the case in consultation with his lawyer.

3 All right. Let's make sure you understand the nature
4 of the charge to which you propose to plead guilty. And first
5 off, I want to make sure that you did receive a copy of the
6 indictment in the case. That is the document that had the
7 charge in it. Do you remember that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. And have you fully discussed this
10 charge with your lawyer, Ms. Dolgosheeva?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And have you told her everything you know
13 about the case?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: The charge to which you propose to plead
16 guilty, it's sometimes called a felon in possession charge.
17 What the government would have to prove is that you, first,
18 knowingly possessed a firearm and then, second, when you
19 possessed that firearm, you had already been convicted of a
20 previous felony; and when you possessed that firearm, you knew
21 that you had been convicted of a felony; and then lastly that
22 the firearm had to have some kind of effect on interstate
23 commerce which for our purposes just simply means that that
24 firearm passed across state lines at some point.

25 So do you understand all of the elements or things

1 that the government would have to prove to show you guilty of
2 this particular charge?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you discussed the elements of the
5 offense with your lawyer, Ms. Dolgosheeva?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you satisfied with the efforts that
8 defense counsel has made on your behalf?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And does that include the advice and
11 discussions she had with you with regard to entering into this
12 plea declaration?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: So for example, has she spent enough time
15 with you?

16 THE DEFENDANT: Yes.

17 THE COURT: And then we touched on this earlier, but
18 when you asked questions, did she at least try to answer them?

19 THE DEFENDANT: Yeah, all of them.

20 THE COURT: Okay. All right. Now, I'm going to just
21 turn to this plea declaration that we were provided, Page 8.
22 It's a signature page. Is that your signature up here,
23 Mr. McGraw?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. And did you read this plea

1 declaration before you signed it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand the terms of this plea
4 declaration?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Does -- well, so this plea declaration
7 means that you have no agreements with the government. Do you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And do you have any understandings or
11 agreements with the government?

12 THE DEFENDANT: Do I have any understanding?

13 THE COURT: Yeah.

14 THE DEFENDANT: Yeah, I understand that I possessed
15 the weapon.

16 THE COURT: Okay. No, but like with the government,
17 have they told you any kind of promise or assurance about this
18 case?

19 THE DEFENDANT: No, sir.

20 THE COURT: Okay. And then, Ms. Dolgosheeva, let me
21 just confirm that the government has not given you or your
22 client any promise or assurance about this case or the plea.

23 MS. DOLGOSHEEVA: That is correct, your Honor.

24 THE COURT: Okay. And is that correct, Mr. Arce?

25 MR. ARCE: That's my understanding, your Honor.

1 THE COURT: All right. Now, the -- this plea
2 declaration, has anyone threatened you or your children or your
3 family or friends or anyone in order to force you to sign this
4 plea declaration?

5 THE DEFENDANT: No, sir.

6 THE COURT: Okay. So later on when you enter a plea
7 of guilty, will you be pleading guilty of your own free will
8 because you are guilty?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Now, one thing that I -- so I just covered
11 with Ms. Dolgosheeva at the beginning of the hearing is that by
12 entering into this plea of guilty without an agreement from the
13 government, this plea declaration, this means that you cannot
14 challenge on appeal any of the decisions that the Court has
15 made up to this point. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. So that means, for example,
18 the Second Amendment motion that you filed and that I denied,
19 you would not be able to challenge that on appeal. Do you
20 understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. And then with regard to the
23 potential penalties, I'm going to actually ask the government
24 to state what it believes are the maximum penalties for this
25 offense.

1 Mr. Arce?

2 MR. ARCE: Yes, your Honor. The maximum penalty for
3 the 922(g)(1) charge would be 15 years' imprisonment, a maximum
4 fine of \$250,000, a maximum term of supervised release of three
5 years, and a special assessment of \$100.

6 THE COURT: Okay. So do you understand, Mr. McGraw,
7 what the maximum penalties are for this kind of offense?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And Mr. Arce mentioned supervised release.
10 In the federal system, after someone serves a term of
11 imprisonment, they very often also serve a term of supervised
12 release. The defendant is no longer in prison, but he is under
13 the supervision of the court, and there's all these conditions
14 that the defendant must follow. And I would impose the
15 conditions at sentencing.

16 If a condition of supervised release is violated, then
17 the government can come back in to court and ask for supervised
18 release to be revoked or taken away, and the defendant would go
19 back into prison if I so decide.

20 So do you understand what is supervised release in the
21 federal system?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, of course, as I sit here today, I
24 don't know what the sentence will be. We'll have a sentencing
25 hearing in a couple of months. You and your lawyer will be

1 able to file things in writing before the sentencing hearing.
2 You'll be able to then make arguments at the sentencing of what
3 the sentence ought to be.

4 But do you understand that if I choose a sentence that
5 is higher than what you and your lawyer propose, that would not
6 be a basis to withdraw or take back the plea of guilty. Do you
7 understand that?

8 THE DEFENDANT: No.

9 THE COURT: Yeah, let me try that again. So you do
10 understand that we're not doing the sentencing today.

11 THE DEFENDANT: Yes.

12 THE COURT: And in a few months, we'll have the
13 sentencing hearing. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: At the sentencing hearing, both you and
16 the government will get to propose whatever sentence you think
17 is appropriate under the law. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, if I pick a sentence that is higher
20 than what you and Ms. Dolgosheeva propose, that's not a reason
21 to withdraw or take back the plea of guilty. Do you understand
22 that?

23 THE DEFENDANT: Yes. Now I do.

24 THE COURT: All right. Okay. So any questions about
25 that?

1 THE DEFENDANT: What will be reasons that I could take
2 it back?

3 THE COURT: So to -- once you enter the plea of
4 guilty, which is completely up to you, at the end of this
5 hearing if you do enter the plea of guilty, then under criminal
6 Rule 11, the only bases to take back the plea of guilty would
7 be if it was in the, quote, interest of justice. And what --
8 obviously, that's a very broad phrase, but it actually is
9 pretty narrow grounds.

10 Like, so, for example, if it turned out that you
11 actually are not competent to plead guilty despite your
12 appearances and what you've said today, then that might be a
13 basis to withdraw. If you got somehow bad advice from your
14 lawyer that is, like, just unreasonable advice, then that might
15 be a basis to withdraw.

16 So I can't spell them all out because it's a standard
17 that's pretty broad, but the grounds are pretty narrow. Okay.
18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. But for sure, it would not be a
21 reason to withdraw if you propose a sentence down here and I
22 pick one up here, all right, so one that's higher than what you
23 propose.

24 Do you understand that is not a reason to withdraw
25 your plea of guilty?

1 THE DEFENDANT: Yes.

2 THE COURT: All right. Now, similar to that, I would
3 have to consider all the goals and factors of sentencing that
4 you can find in a law at Title 18, United States Code Section
5 3553(a). So you understand I will have to consider all those
6 goals and factors?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. So and did you talk to your lawyer
9 about Section 3553(a), all the goals and factors of sentencing?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: One of those factors is the United States
12 Sentencing Guidelines. The guidelines are a set of rules by
13 which at every sentencing, I calculate two numbers. The first
14 one is called the offense level. Not surprisingly, I look at
15 the offense, like, what kind of offense was it. And then I
16 look at certain facts about the offense; in firearms cases, for
17 example, how many firearms were involved and was the serial
18 number obliterated and so on. So that's the offense level.

19 Then I also have to calculate the criminal history
20 category by looking at the defendant's criminal history. And
21 the criminal history categories go from I through VI. There's
22 a table, the sentencing guidelines table, where I go down one
23 side for the offense level, then I stop. And then I start
24 going across the table for the criminal history category. And
25 then in that spot in the table, that's the advice of the

1 guidelines on what the sentence should be. It doesn't bind the
2 Court. I do need to consider its advice.

3 Do you understand what the sentencing guidelines are?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand I will have to calculate
6 them and consider them at sentencing?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, similar to the sentence, if I
9 calculate a sentencing guidelines range in that table that is
10 higher than what you and your lawyer propose, again, that's not
11 a reason to withdraw or take back the plea of guilty. Do you
12 understand that?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Okay. All right. Let's make sure then --
15 oh, before I move on to all the rights you'll be giving up by
16 pleading guilty, on forfeiture, is it the defendant's intention
17 to challenge forfeiture?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Okay. So let me just go through this with
20 Mr. McGraw as well. If you remember, in the indictment there
21 was the charge for being -- having been convicted of a felony
22 and possessing a firearm. There was another page to the
23 indictment which is called forfeiture. And what that means is
24 that the government is seeking to extinguish any interest you
25 might have in owning or possessing the gun and the ammunition

1 that is charged in the indictment.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. So that's what forfeiture is. You
5 give up all your interest in the firearm or ammunition.

6 So do you understand that by entering a plea of
7 guilty, then the gun and ammunition would be subject to
8 forfeiture?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. And you understand that you do have
11 a right actually to have a jury decide whether you should give
12 up the interest in the firearm.

13 And so are you waiving or giving up that right to have
14 a jury decide forfeiture?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. Now, let's move on to all the other
17 rights that you'd be giving up by pleading guilty. First and
18 foremost, you understand you do have a right to continue to
19 plead not guilty and insist on a trial.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: And if you wanted a jury trial then, of
23 course, we would hold a jury trial for you.

24 Do you understand your right to a trial by jury?

25 THE DEFENDANT: Yes.

1 THE COURT: At any kind of trial, it would be the
2 government that bears the burden of proving that you are guilty
3 beyond a reasonable doubt.

4 So do you understand that the government bears the
5 burden and that the burden is proof beyond a reasonable doubt?

6 THE DEFENDANT: Yes.

7 THE COURT: At any trial you would also have the right
8 to the assistance of a lawyer. And if you continue to not be
9 able to afford a lawyer, then I would continue to appoint one
10 for you free of charge.

11 So do you understand your right to the assistance of a
12 lawyer?

13 THE DEFENDANT: Yes.

14 THE COURT: The lawyer would help you before the
15 trial, during the trial, and all the points after the trial.

16 So do you understand that the lawyer would help you at
17 all phases of the trial?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You also would have a right to see and
20 hear all of the government's witnesses against you. They would
21 have to physically walk into the courtroom. They would sit
22 right there at the witness stand. And not only would you have
23 a right to hear their testimony against you, you through your
24 lawyer could ask them questions under oath through what we call
25 cross-examination.

1 So do you understand your right to see, hear, and
2 question all of the government's witnesses against you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You would also have the right to introduce
5 evidence. And if you needed the power of the court to gather
6 evidence before trial or you needed the power of the court to
7 require a witness to come and testify for you, then your lawyer
8 could issue what we call subpoenas which is just another term
9 for court orders that require the production of evidence to you
10 or to show up at trial to testify for you.

11 So do you understand your right to gather evidence and
12 put on testimony and evidence at trial through the power of
13 subpoenas?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, there is one person that no one can
16 force to testify, and that person is you. You have the
17 absolute right to not testify, and if you decided to not
18 testify, I would instruct the jury that they could take no hint
19 or suggestion of guilt just because you decided to not testify.

20 So do you understand your right to not testify?

21 THE DEFENDANT: Yes.

22 THE COURT: The opposite side of that coin is that you
23 have the absolute right to testify. No one can stop you from
24 testifying, not your lawyer, not the government. I could not
25 stop you from testifying.

1 So do you understand that you would have also had the
2 absolute right to testify?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: In the federal system, it is possible to
5 have what we call a bench trial where instead of the jury
6 deciding whether you are guilty or not guilty, I would decide,
7 the Court would decide whether you are guilty or not guilty.
8 However, in the federal system, in order to hold a bench trial,
9 you would have to first agree to it, the government would then
10 also have to agree to it, and then lastly I would have to agree
11 to hold a bench trial.

12 But do you understand that there was at least a
13 possibility of a bench trial?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Let's go back to jury trials
16 because you would have the absolute right to have a jury trial
17 if you wanted one. And you would also have the right to
18 participate in picking the jury. The jury would be composed of
19 12 individuals who are eligible to serve. We would pick them
20 by calling in a few dozen individuals who are eligible to
21 serve, and we'd ask them questions to see if they could fairly
22 sit in judgment of you.

23 And then there would be two ways for you to stop
24 someone from sitting on the jury. First, if you can convince
25 me through your lawyer that a particular potential juror could

1 not fairly sit in judgment of you, I would not let that person
2 sit on the jury.

3 And then second, in a case like this, you would have
4 11 peremptory challenges where you could just pick 11
5 individuals that you don't want to serve on the jury, and you
6 would not even have to explain why. I would just not put those
7 people on the jury.

8 So do you understand your right to participate in that
9 jury selection procedure?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: If after you -- after we had picked the
12 jury and they had heard all the evidence as well as the
13 arguments of the lawyers, then in order to return a verdict,
14 meaning in order to decide the case, all 12 of them would have
15 to be unanimous on the verdict.

16 So do you understand your right to a unanimous jury
17 verdict?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. Lastly, if you were to go to trial
20 and if you had been convicted, then you would have a right to
21 appeal from all the mistakes made before the trial, all the
22 mistakes during the trial, all the mistakes after the trial.

23 So do you understand that as part of your trial right,
24 you also would have had a right to appeal from any mistakes
25 made at this trial level?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Having heard all of those rights
3 that you would be giving up by pleading guilty, is it still
4 your intention to plead guilty?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Then I'm going to ask
7 Ms. Dolgosheeva to set forth in summary what would be the
8 factual basis for the plea. And I do want you to listen
9 carefully, Mr. McGraw, because at the end of this summary that
10 she's going to read into the record, I will turn back to you,
11 and I'm going to ask you whether you disagree with any of the
12 facts and whether you agree with the summary.

13 All right. Ms. Dolgosheeva?

14 MS. DOLGOSHEEVA: On or about July 14, 2022,
15 Mr. McGraw carried a firearm in Calumet City which is located
16 in this district, the Northern District of Illinois, Eastern
17 Division. At the time of possession of the firearm, Mr. McGraw
18 knew that he had previously been convicted of crimes punishable
19 by a term of imprisonment exceeding one year, specifically,
20 reckless discharge of a firearm and conspiracy to commit
21 murder.

22 The firearm that Mr. McGraw had on his person was a
23 Glock 45 .9 millimeter semiautomatic pistol serial No. BHYZ683.
24 Mr. McGraw knowingly possessed this firearm. Mr. McGraw
25 acknowledges that this firearm had traveled in interstate and

1 foreign commerce prior to his possession of said firearm.

2 THE COURT: Okay. Mr. McGraw, are those facts true?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you disagree with any of the facts just
5 stated?

6 THE DEFENDANT: No.

7 THE COURT: All right. Then how do you plead to the
8 sole count of the indictment which is felon in possession of a
9 firearm: Guilty or not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: It's the judgment of the Court that the
12 defendant is mentally competent to enter a plea of guilty. He
13 understands the charge. He understands what the maximum
14 penalties are. He's had the assistance of counsel. The plea
15 is knowing and voluntary, and there is a factual basis for the
16 plea. So I'll accept the plea and enter a finding of guilt.

17 Let's set a sentencing date.

18 THE CLERK: December 17 at 12:30.

19 THE COURT: All right. And the minute entry will have
20 deadlines for the sentencing memoranda.

21 Okay. Is there anything else for the government?

22 MR. ARCE: No, your Honor. Thank you.

23 THE COURT: And for the defense?

24 MS. DOLGOSHEEVA: Your Honor, just a question. Given
25 that the parties disagree about the base offense level and the

1 two enhancements, would it make sense to set a reply date as
2 well? It's the government's burden of proof, the base offense
3 level as well as the enhancements.

4 THE COURT: Yeah, there's going to be cross-responses
5 which I think might be enough. Yeah, so, I mean, you ought
6 to -- you probably have a pretty good idea in plea negotiations
7 where the government is going to come from, so you can include
8 some of that argument in your opening brief. And then you'll
9 see the government's opening brief, and they'll see yours, and
10 then there will be cross-responses.

11 So I think that should take care of it.

12 MS. DOLGOSHEEVA: Thank you, Judge. So your Honor
13 anticipates, and I'm going to ask Mr. Arce, would the
14 government be filing a sentencing memo instead of a response
15 because sometimes the government files a sentencing memo on the
16 sentencing memo deadline, and sometimes the government just
17 files a response to my sentencing.

18 THE COURT: No, I would expect a sentencing memo from
19 both parties, an opening sentencing memo and then
20 cross-responses.

21 MR. ARCE: That's my understanding as well, Judge.

22 THE COURT: Okay.

23 MR. ARCE: And December 17th, I anticipate covering
24 the sentencing hearing. Mr. Stone will start an extended leave
25 soon. I have a trial that starts December 16th, and I'm

1 wondering if it's possible to move the sentencing up just a
2 couple of days to December 13th if that works for your Honor.

3 THE COURT: Is that too close to --

4 THE CLERK: It's earlier.

5 THE COURT: It's earlier than the probation time?

6 MR. ARCE: Oh, that's right.

7 THE COURT: So let me -- and how long is your trial?

8 MR. ARCE: I anticipate it lasting just that week. I
9 don't think it would bleed into the next week. I certainly
10 hope not.

11 THE COURT: Okay. Are you around the 23rd?

12 MR. ARCE: Yes. I don't anticipate traveling for the
13 holidays.

14 THE COURT: Ms. Dolgosheeva?

15 MS. DOLGOSHEEVA: I'm available.

16 THE COURT: Okay. Let's set it for the 23rd at, we'll
17 do it at 10:00 a.m. It was the noon hour because I am on trial
18 through the 20th, but this might make a little bit more sense
19 because if there's an evidentiary hearing involved, it will be
20 better to do it at 10:00 instead of during the lunch hour at a
21 trial.

22 So December 23rd at 10:00 a.m. Okay. Thanks.

23 MR. ARCE: Thank you, Judge.

24 MS. DOLGOSHEEVA: Thank you, your Honor.

25 (Proceedings adjourned at 11:02 a.m.)

* * * * *

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

/s/Judith A. Walsh

March 15, 2025

Judith A. Walsh, CSR, RDR, F/CRR

Date

Official Court Reporter